

## REMARKS

In the Decision of the Board of Patent Appeals and Interferences dated July 31, 2008, the rejections of claims 1-5 and 11-22 were sustained, and the rejection of claims 6-9 was reversed. In response thereto, the subject matter of claim 6 has been incorporated into independent claim 2, along with appropriate portions of intervening claims 4 and 5. Claims 1, 13-18 and 20-22 have been canceled.

In its Decision, the Board entered a new ground of rejection for claims 1-9 and 11-22, under 35 U.S.C. §101.

During the examination of the application, the claims were rejected under 35 U.S.C. §101 and this ground of rejection was addressed in Appellants' Brief, at pages 7-11. In the Examiner's Answer dated July 19, 2007, the rejections under 35 U.S.C. §101 were withdrawn.

In its reinstatement of this ground of rejection, the Decision mischaracterizes the arguments presented by Appellants' in their Brief. Specifically, at page 19, the Decision asserts that Appellants *admit* that the claimed invention involves "mere data conversion". No such admission was conveyed. The thrust of Appellants' argument can be found in the two sentences on page 7 of the Brief that follows the statement quoted in the Decision, namely that the invention involves the conversion of a halftone image into a continuous value image, rather than the processing of abstract data, *per se*, and is therefore directed to a practical, i.e., tangible, application. The fact that the image is comprised of pixels, each of which can be represented by a numerical value, does not diminish the real-world application set forth in the claims.

Nevertheless, to enable the pending claims to advance to allowance, claim 2 has been amended to more explicitly recite the *physical* transformation that takes

place as a result of the claimed process, namely the conversion of a halftone image into a continuous valued image. Specifically, as a first step, the claim recites that the halftone image is represented as a plurality of individual pixels whose values represent a physical attribute of the image. These pixels are then processed according to the succeeding steps. The final step of the claim is "reproducing the image from the reconstructed values of the individual pixels", namely a *physical* step that produces a tangible result of the conversion process. It is respectfully submitted that claim 2 recites a practical application, and not merely the abstract manipulation of data. Accordingly, it is respectfully submitted that the claim complies with the requirements of 35 U.S.C. §101.

Withdrawal of the rejection under 35 U.S.C. §101, and allowance of claims 2, 3, 7-9, 11, 12 and 19 is respectfully requested.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: September 30, 2008

By: /James A. LaBarre/  
James A. LaBarre  
Registration No. 28632

P.O. Box 1404  
Alexandria, VA 22313-1404  
703 836 6620